IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

Bail Appl..No. 574 of 2007()

AGAINST THE ORDER DATED 19/01/2007 IN & 149/2007 ORDER IN CMP.37/2007 of DISTRICT COURT, PATHANAMTHITTA

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: PETITIONER/3RD ACCUSED

BABY GEORGE,
S/O.GEORGE, ALUNIKKUM PADINJATTETHIL,
PENNUKARA P.O., CHENGANNUR.

BY ADV. SRI.C.S.MANILAL

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
ARANMULA POLICE STATION.

BY PUBLIC PROSECUTOR SRI. P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO. 574 of 2007

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Dated, this the 6th day of February 2007

ORDER

Petitioner who is the 3rd accused in Crime No. 563 of 2006 of Aranmula Police Station for offences punishable under Sections 20 and 21 of the Kerala River Bank Protection and Sand Mining Regulation Act and Rule 48 K and 58 (1) of the Kerala Minor Mineral Concession Rule and Sections 279 and 308 read with Sec. 34 I.P.C., seeks anticipatory bail. Subsequently Sec. 353 I.P.C. also been added.

2. I heard both sides. The learned Public Prosecutor opposed the application.

3. The petitioner is alleged to be an active member of the sand mafia in that locality. On the date of occurrence, namely, on 29-10-2006 at 10.30 p.m. the role of the petitioner was to drive a motor bike with A4 as his pillion driver and they were actively assisting the mini lorry in which illicit transportation of sand was being done.

4. It is too early to accept the petitioner's contention that no offence has been made out against the petitioner. Anticipatory bail cannot be granted in a case of this nature. The Sessions Court,

Pathanamthitta was also not inclined to grant anticipatory bail to the petitioner. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed.

With the above observation, this petition is dismissed.

V. RAMKUMAR,
(JUDGE)

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